

JOURNAL OF THE HOUSE

Second Extraordinary Session, 92nd GENERAL ASSEMBLY

FIRST DAY, MONDAY, SEPTEMBER 8, 2003

Representative Crowell in the Chair.

Prayer by Marilyn Seaton.

Father, please put Your arm around our shoulders and walk with us these coming days. Should we not be able to speak kindly and honestly these days, please put Your hand over our mouths. Amen.

The Pledge of Allegiance to the flag was recited.

MESSAGES FROM THE GOVERNOR

The following Proclamation was received from His Excellency, Governor Bob Holden.

PROCLAMATION

WHEREAS, the budgets the General Assembly presented to the Governor pursuant to the Constitution of the State of Missouri on May 21, 2003, June 18, 2003, and June 27, 2003 were significantly unbalanced and inadequate in that they fail to provide sufficient funds for education and those government services that protect all citizens, including children and the most vulnerable Missourians; and

WHEREAS, the failure to appropriate sufficient funds for education and vital government services has caused a serious disruption in the delivery of state and local governmental services to Missouri citizens; and

WHEREAS, such a disruption in the delivery of state and local governmental services constitutes a serious threat to the health, safety, and welfare of the citizens of Missouri; and

WHEREAS, such a disruption in the delivery of state and local governmental services impedes the Governor from carrying out his duties pursuant to Article IV, Section 2, of the Constitution of Missouri to "take care that the laws are distributed and faithfully executed;" and

WHEREAS, Article IV, Section 9, authorizes the Governor to "On extraordinary occasions ... convene the General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary;" and

WHEREAS, such failure to appropriate adequate funds for education and vital government services as required by the Constitution of the State of Missouri is an extraordinary occasion as envisioned by Article IV, Section 9, of said Constitution.

NOW, THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

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I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution and Laws of the State of Missouri, do, by this Proclamation, convene the Ninety Second General Assembly of the State of Missouri in the Second Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in their respective chambers in the State Capitol in the City of Jefferson at the hour of 12:00 p.m., Central Daylight Time, September 8, 2003; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To enact limited revenue enhancement proposals in an amount sufficient to protect the health, safety, and welfare of the citizens of Missouri.

2. To allow the Senate to consider appointments to boards, commissions, departments, and divisions that require the advice and consent of the Senate.

3. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been convened.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 3rd day of September, 2003.

/s/ Bob Holden
Governor

ATTEST:

/s/ Matt Blunt
Secretary of State

September 8, 2003

TO THE SENATE AND HOUSE OF REPRESENTATIVES
OF THE NINETY-SECOND GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I am enclosing a Special Message to all members of the General Assembly. Please read the enclosed message during the Special Session.

/s/ Bob Holden
Governor

SPECIAL MESSAGE

WHEREAS, by my Proclamation dated September 3, 2003, I convened the Ninety Second General Assembly of the State of Missouri in the Second Extra Session of the First Regular Session; and

WHEREAS, SB 556 & SB 311 were enacted into law on June 16, 2003 and created hiring restrictions applicable to any person employed by a in-home service provider agency or a home health agency, where such person's name appeared on any of the background check lists in the state's family care safety registry; and

WHEREAS, SB 184 was enacted into law on July 11, 2003 and had the effect of expanding the family care safety registry to include all criminal history records for felonies and misdemeanors, including old and minor violations not affecting employees' trustworthiness or competency to provide in-home or home health services; and

WHEREAS, the unintended impact of these laws will be to require the termination of numerous current in-home services and home health employees because of a positive listing on the family care safety registry, even where such listing reflects an old or minor violation not affecting the employees' trustworthiness or competency to provide in-home or home health services; and

WHEREAS, the further unintended impact of these laws will be to require the termination of additional employees of in-home services provider agencies and home health agencies, even where such employees' job responsibilities do not involve the actual provision of in-home or home health services to any client or patient; and

WHEREAS, the needless termination of numerous qualified employees of in-home services provider agencies and home health agencies will result in further economic hardship to the State of Missouri.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution and Laws of the State of Missouri, do hereby amend the matters specifically designated and limited for consideration by the General Assembly in my September 3, 2003 Proclamation by adding to those remaining matters the following additional specifically designated and limited matters. The additional specifically designated and limited matters on which the action of the General Assembly is deemed necessary are as follows:

4. To enact limited statutory amendments giving the Department of Health and Senior Services authority to immediately promulgate rules permitting waiver of certain hiring restrictions for employees of in-home services provider agencies and home health agencies, where such employees are listed on background check lists in the family care safety registry, and the department has determined that such employees do not present a risk to the health or safety of clients or patients.

5. To enact limited statutory amendments clarifying that certain hiring restrictions for employees of in-home services provider agencies and home health agencies are applicable only to employees actually engaged in the act of providing in-home or home health services as a part of their employment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 8th day of September, 2003.

/s/ Bob Holden
Governor

ATTEST:

/s/ Matt Blunt
Secretary of State

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 1, introduced by Representative Campbell, relating to revenue for education.

HB 2, introduced by Representative Johnson (47), relating to sales tax refunds.

HB 3, introduced by Representative Riback Wilson (25), relating to in lieu watercraft taxes.

HB 4, introduced by Representative Graham, relating to gaming.

HB 5, introduced by Representative Graham, relating to gaming.

MESSAGE FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SR 1**, entitled:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate of the Ninety-second General Assembly, First Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the Second Extra Session of the First Regular Session and is ready for consideration of its business.

The following members' presence was noted: Abel, Barnitz, Bishop, Burnett, Campbell, Corcoran, Curls, Darrough, Daus, Davis (122), Dixon, Donnelly, Dusenberg, El-Amin, Fares, Fraser, Goodman, Graham, Green, Guest, Hampton, Hanaway, Harris (23), Haywood, Henke, Hilgemann, Hoskins, Hubbard, Johnson (61), Johnson (90), Jones, Kelly (144), Kingery, Kratky, Kuessner, LeVota, Lowe, Luetkemeyer, McKenna, Meiners, Parker, Pearce, Phillips, Ransdall, Riback Wilson (25), Richard, Ruestman, Salva, Sander, Sanders Brooks, Schoemehl, Seigfreid, Selby, Self, Shoemaker (8), Shoemyer (9), Smith (14), Spreng, Taylor, Thompson, Townley, Villa, Vogt, Wagner, Wallace, Walsh, Ward, Whorton, Wildberger, Willoughby, Wilson (42), Witte, Wood, Yaeger and Young.

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 12:00 p.m., Tuesday, September 9, 2003.

HOUSE CALENDAR

SECOND DAY, TUESDAY, SEPTEMBER 9, 2003

HOUSE BILLS FOR SECOND READING

HB 1 through HB 5